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7/22/08

UNITED STATES DISTRICT COURT **FILED**
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUL 22 AM 9:57

UNITED STATES OF AMERICA,

Plaintiff,

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Sergio AVALOS-Ceja

Defendant.

Magistrate Case No. 08 MJ 228
SOUTHERN DISTRICT OF CALIFORNIA
COMPLAINT FOR VIOLATION OF:

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Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about, **July 20, 2008**, within the Southern District of California, defendant, **Sergio AVALOS-Ceja**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF July 2008.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On July 20, 2008, defendant identified as, **Sergio AVALOS-Ceja**, was arrested by the San Diego Sheriff's Department for violation of California Penal Code Section 647(F) "Disorderly Conduct: Drunk" and booked into county jail where an Immigration Enforcement Agent determined the defendant to be a citizen of Mexico and placed an Immigration Hold (I-247) pending his release from local custody.

On July 21, 2008, defendant was referred to the custody of Immigration and Customs Enforcement (ICE) San Diego, California for further action. An Immigration Enforcement Agent conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen and national of Mexico having been previously deported or removed from the United States to Mexico on at least one occasion.

A thorough review of official immigration computer database record checks revealed that the defendant, **Sergio AVALOS-Ceja**, had been ordered removed from the United States by an Immigration Judge on or about October 31, 2000, and removed to Mexico via the Calexico, California, Port of Entry on November 6, 2000. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System IDENT was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed the defendant's identity as **Sergio AVALOS-Ceja**, a citizen and national of Mexico.